

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1158

T06-0030

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), Pilot Township Road District ("Township") in Kankakee County, Illinois, and the State of Illinois, Department of Transportation ("Department" or "IDOT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through staff evaluation that inquiry should be made into the matter of improving public safety at the 13000W (TR 36) highway-rail grade crossing of the Company's track near Union Hill, in Pilot Township, Kankakee County, Illinois, designated as crossing AAR/DOT #534 414C, railroad milepost 114.36-5E; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.

DOCKETED

- (b) Installation of temporary STOP signs (if required) at the 13000W (TR 36) crossing within 30 days of a Commission Order for the installation of new automatic warning devices.

**Section 3** The Company has provided a "ball park" cost estimate of \$170,000 for the installation of automatic flashing light signals and gates at the subject location. The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, cost estimates and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

**Section 4** The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

**Section 5** The parties agree that an equitable division of cost for the proposed improvements is as follows:

**COST DIVISION TABLE -**

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$170,000	(85%) \$144,500 <sup>1</sup>	(10%) \$17,000 <sup>1</sup>	(5%) Remainder <sup>1,2</sup>	(0%) \$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% <sup>3</sup>	\$0
<b>TOTALS</b>	<b>\$170,000</b>	<b>\$144,500</b>	<b>\$17,000</b>	<b>Remainder</b>	<b>\$0</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$144,500; any installation costs above the estimated amount of \$170,000 will be divided between the GCPF and the Company at 85%GCPF/15%Company cost division, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission. The Township's share shall not exceed \$17,000 in any event.

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

<sup>3</sup> Company responsible for all future maintenance costs associated with the temporary STOP

**Section 6** Pilot Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit D. The Township shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: The Company and the Township shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E-1 and E-2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit E-1, regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from the Company shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.

- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

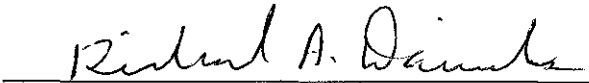
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 9<sup>th</sup> day of March 2006.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Richard A. Daniels  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1158, executed by Commission Staff on March 9, 2006, concerning improvements at the 13000W (TR 36) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Union Hill, in Pilot Township, Kankakee County, Illinois, designated as crossing AAR/DOT #534 414C, railroad milepost 114.36-5E.

Executed by the Illinois Department of Transportation this 23rd day of March 2006.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:   
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1158, executed by Commission Staff on March 9, 2006, concerning improvements at the 13000W (TR 36) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Union Hill, in Pilot Township, Kankakee County, Illinois, designated as crossing AAR/DOT #534 414C, railroad milepost 114.36-5E.

Executed by the Norfolk Southern Railway Company this 28th day of March 2006.

NORFOLK SOUTHERN RAILWAY COMPANY

sm

By: HR Comstock  
General Manager

Attest:

Kynisha O. Swain  
Asst. Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 1158, executed by Commission Staff on March 9, 2006, concerning improvements at the 13000W (TR 36) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Union Hill, in Pilot Township, Kankakee County, Illinois, designated as crossing AAR/DOT #534 414C, railroad milepost 114.36-5E.

Executed by Pilot Township Road District this 28 day of MARCH 2006.

PILOT TOWNSHIP ROAD DISTRICT

By: Terry Atelison

Attest:

[Signature]

RECEIVED  
MAR 30 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION



**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	534 414C, mp 114.36-5E
<b>STREET, CITY, COUNTY</b>	13000W/TR 36
<b>JURISDICTION (RDWY)</b>	Pilot Twsp
<b>LOCATION</b>	Rural
<b>STREET SURFACE</b>	Oil and chip, 16 ft. , good condition

**CROSSING DATA:** Also see Location Sketch page 3 for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
W-E	timber & asphalt	24 ft.	good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	List intersecting roadways, distance and direction See pg 3 (drawing)
<b>TRAFFIC CONTROL</b>	List any devices on the main or intersecting roadways- None
<b>ADT &amp; SPEED</b>	300 Per Day @ 55mph unposted
<b>TRAFFIC TYPE</b>	Passenger, School Busses, Hazardous Materials, Other
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	None (oil and chip)

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	11 Per day @ 40 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	none
<b>WARNING DEVICES</b>	Cross bucks

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	40	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	520	<b>FEET</b>
<b>Along Tracks</b>	432	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	960	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	ok	N/A	ok now	Crops may be problem seasonal
<b>NW</b>	ok	N/A	ok	
<b>SE</b>	ok	N/A	Ok now	Crops may be problem seasonal, 200"
<b>SW</b>	ok	N/A	Ok now	Crops may be problem seasonal, 200'

\*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

**APPROACH GRADES:** See Location Sketch

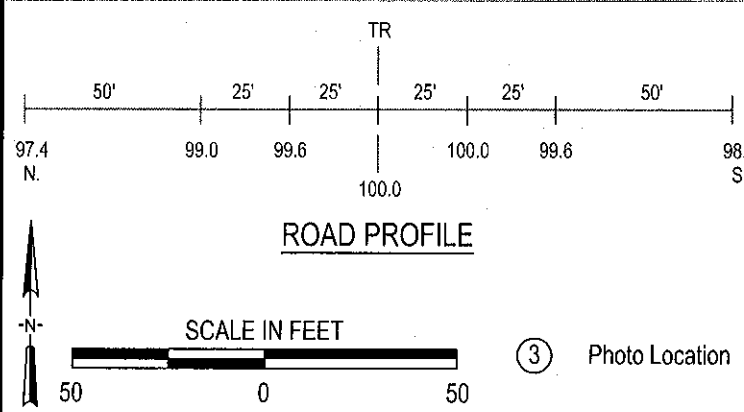
<b>DIRECTION/NORTH</b>			<b>DIRECTION/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	99.6	1.6	25	100.0	0
50	99.0	2.4	50	99.6	1.6

Distance measured from outermost rail.

**COMMENTS:**

Norfolk Southern Railway's ball park estimate for new automatic warning devices is \$170,000; the Township will pay 10%, not to exceed \$17,000 for automatic flashing light signals and gates (afls&g). Grade Crossing Protection Funds (GCPF) will pay 85% for afls&g (\$144,500) and NS will pay remaining and maintain same.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 534414C  
 Location: Kankakee Co., City of Union Hall (N)  
 Lat/Long: 41°06'27" / 88°06'58"  
 Railroad: NS  
 Street: TR36  
 Railroad Milepost: 114.36  
 Crossing Protection: Signs

Exhibit D

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1158

Date 3-28-06

The TRUSTEES OF PILOT TOWNSHIP  
(Board or Council of Pilot Township, Kankakee County, Illinois)

meeting on 3-28-06, Resolved to authorize  
(Date)

TERRY ATCHISON (Road Commissioner) to act as its designated agent in the  
(Name, Office)

processing of this Stipulated Agreement and that the Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

**PROJECT STATUS REPORT**

**TYPE: (CHECK ONE)**

PROGRESS	
COMPLETION <sup>1</sup>	

DATE	
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**PROJECT INFORMATION:**

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	AAR/DOT 534 414C, milepost 114.36-5E
Street, (in/near) City, County:	13000W near Union Hill, Kankakee County, Illinois
Railroad Company:	Norfolk Southern Railway Company

<sup>1</sup> Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Matt Ludovici
Title:	Material and Production Coordinator
Representing:	Norfolk Southern
Street Address:	99 Spring Street, Box 123
City, State, Zip:	Atlanta, Georgia 30303
Office Phone:	404-527-2886
Office Fax:	404-527-1174
Cellular Phone:	
E-Mail Address:	<a href="mailto:Matt.Lucovici@nscorp.com">Matt.Lucovici@nscorp.com</a>

<sup>2</sup>Project Manager information to be submitted by Pilot Township and the Norfolk Southern Railway Company

**DESCRIPTION OF IMPROVEMENTS to be ORDERED:**

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

**STATUS OF WORK:** (use additional blank sheet, if necessary)


Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701-1827

If you have questions contact:

Dick Daniels, Railroad Safety Specialist  
Phone: 217-785-8420  
Email: [rdaniels@icc.illinois.gov](mailto:rdaniels@icc.illinois.gov)

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/railroadsafety.aspx>

**United States Department of Transportation Inventory Form #6180.71** can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<b><u>And</u></b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION  
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

**PROJECT STATUS REPORT**

**TYPE:** (CHECK ONE)

PROGRESS	
COMPLETION <sup>1</sup>	

DATE	
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**PROJECT INFORMATION:**

Reporting Party:	Pilot Township, Kankakee County, Illinois
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	AAR/DOT 534 414C, milepost 114.36-5E
Street, (in/near) City, County:	13000W near Union Hill, Kankakee County, Illinois
Railroad Company:	Norfolk Southern Railway Company

<sup>1</sup> Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Terry Atchison	
Title:	Road Commissioner	
Representing:	Pilot Township	
Street Address:	324 Park Street	
City, State, Zip:	Herscher, Illinois 60941	
Office Phone:	815-426-6221	
Office Fax:	815-426-2714	
Cellular Phone:	815-651-7139	
E-Mail Address:		

<sup>2</sup>Project Manager information to be submitted by Pilot Twmsp and the Norfolk Southern Railway Co.

**DESCRIPTION OF IMPROVEMENTS ORDERED:**

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- 

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